

REMARKS

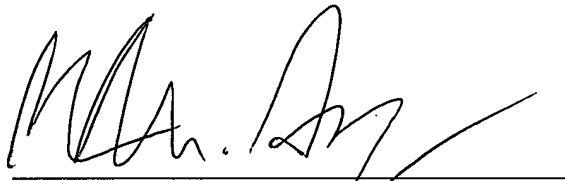
The following remarks are submitted in response to the non-final Office Action mailed December 4, 2003, setting a three-month shortened statutory period for response ending March 4, 2003.

On page 2 of the Office Action, the Examiner rejected claims 34-49 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent Number 6,371,970. In response to the Examiner's double patenting rejection, Applicants have submitted herein a terminal disclaimer in accordance with 37 C.F.R. § 1.321.

In view of the foregoing, all pending claims are believed to be in condition for allowance. Reconsideration, examination, and allowance of all pending claims are respectfully requested. If the Examiner would like to discuss the application or its examination in any way, please call the undersigned attorney at (612) 677-9050.

Date:

March 31, 2004



Glenn M. Seager, Reg. No. 36,926
Customer No. 28075
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Khosravi et al.

Confirmation No.: 3331

Serial No.: 10/051,855

Examiner: Jackson, Gary

Filing Date: January 16, 2002

Group Art: 3731

For: VASCULAR FILTER HAVING ARTICULATION REGIONS AND METHODS
OF USE IN THE ASCENDING AORTA

Docket No.: 1001.1502116

Customer No.: 28075

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 CFR §1.321(c))**

Mail Stop Amendment
Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certified that this paper or papers, as described herein are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EV315607529US, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this 31st day of March, 2004.

By Lynn Thompson
Lynn Thompson

Dear Sir:

Identification of Person Making This Disclaimer

I, Glenn M. Seager, represent that I am the attorney of record for this invention.

Identity of Assignee and Title of Disclaimant

The assignee of this application is Incept LLC.

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TECHNOLOGY CENTER R3700

Extent of Disclaimant's Interest

The extent of the interest in this invention that the Disclaimant owns is in the whole of this invention.

Disclaimer

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of United States Application Serial No. 6,371,970 as presently shortened by any terminal disclaimer is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Application Serial No. 6,371,970 this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of United States Application Serial No. 6,371,970, as presently shortened by any terminal disclaimer, in the event that either later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Fee Status

The fee of \$110 is enclosed.

Fee Payment

Attached is a check in the amount of \$110.

The Commissioner is authorized to charge any additional fees associated with this application or credit any overpayment to Deposit Account No. 50-0413.

Respectfully submitted,

FARHAD KHOSRAVI ET AL.

By their Attorney,

Date: March 31, 2004


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